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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,962	05/14/2001	Ioannis Kriaras	3-11-9-7	8820

7590 12/02/2004

Docket Administrator (Room 3C-512)

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EXAMINER

HABTE, ZEWDU

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,962

Applicant(s)

KRIARAS ET AL.

Examiner

Zewdu Habte

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4,8 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rimhagen et al. (US 6721278 B1) in view of Valentine et al. (US006353607B1).

As to claim 1, Rimhagen discloses mobile radio system (Fig. 1 @18, telecommunications network) comprising a plurality of mobile stations (Fig. 1 @ 20, mobile station; although the figure shows a mobile station, the network is serving a plurality of mobile stations) linked to a radio network controller (Fig. 1 @ 24, radio network controller, RNC, linked to the mobile station), a first network (Fig. 1 @ 28) comprising a plain switched telephone network and/or an integrated services digital network (Fig. 1 @28, comprising a PSTN/ISDN), a second network (Fig. 1 @ 32) comprising a public internet system (Fig. 1 @ 32, a public internet system), a first real time media gateway (Fig. 1 @ 26, mobile switching center) providing access to and from the first network (col. 3, lines 65-67, col. 4, line 1, mobile switching center 26, providing access to and from the first network represented by cloud 28 in Fig.1),..., and a third general packet radio system (GPRS) specific gateway (Fig. 1 @ 30, a third general packet radio

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system, GPRS) providing access to and from the second network (col. 4, lines 7-9, GPRS support node 30 provides interface with the IP networks), an internet protocol connection system (Fig. 1 @ 40, base station controller central processor or control unit) which responds to the address in the headers of the data stream (it is inherent because when a packet arrives, a base station controller unit looks at the header only in order to route the packet to its intended destination) flowing between the radio network controller (Fig. 1 @ 24) and its destination to direct the data stream to its destination through a one of said first (Fig. 1 @ 26), ... and third gateways (Fig. 1 @ 30), selected in accordance with the nature of the data in the data stream whereby real time data is directed through either said first or said ... gateway without passing through said third gateway (col. 5, lines 44-54, the invention determines which competing users are to be afforded data packet channels;...which competing users are to be afforded data packet channels separately with respect to each base station 22; for example, if the data packet is for a GPRS channel, it would be transmitted through only the third gateway). Rimhagen does not specifically disclose a second real time media gateway, but Valentine teaches (Fig. 6 @ 74, media gateway) providing access to and from the second network (col. 4, lines 57-58, media gateway 74 is coupled to the IP network 40, Fig.6 @74 & 40). It would have been obvious to one of ordinary skill in the art to combine Rimhagen with Valentine for the purpose of having a second gateway in order to have an access to the second network. The motivation is to optimize the fidelity of speech transmitted through the packet switched network being a function of the QoS

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transmission characteristic. A speech codec is dynamically selected as a function of the QoS transmission characteristic of the packet switched network.

As to claim 2, Rimhagen discloses a system according to claim 1, wherein said first gateway is a time division multiplexing to real time transport protocol media gateway (PSTN gateway is a circuit switch).

As to claim 5, Rimhagen discloses a system according to claim 1, wherein the third gateway is a gateway GPRS support node (GGSN) (Fig. 1, a path between radio network controller, RNC 24, and serving GPRS support node, GGSM 30).

As to claim 6, Rimhagen did not disclose a system according to claim 1, wherein the internet protocol network comprises a public land mobile telephone network internet protocol core network, but Valentine discloses (Fig. 6 @ 50, PLMN). It would have been obvious to one of ordinary skill in the art to combine Rimhagen with Valentine for the purpose of having a public land mobile telephone network. The motivation is for a service provider to establish a mobile telephone communications network, which facilitates a mobile telecommunication services.

As to claim 7, Rimhagen discloses a system according to claim 1, wherein the path from the radio network controller to the third gateway involves a serving GPRS service node (SGSN) (Fig. 1 a path between radio network controller, RNC 24, and serving GPRS support node, SGSN 25).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rimhagen and Valentine as applied to claim 1 above, and further in view of

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Arnold et al. (5905719).

As to claim 3, neither Rimhagen nor Valentine discloses a system according to claim 1, wherein said second gateway is real time transport protocol to real time transport protocol media gateway, but Arnold teaches (col. 6, lines 36-48, during transmission, the base station receives TCP/IP data packets from the controller/internet access point, which is to say real time transport protocol, RTP run over a TCP/IP protocol). It would have been obvious to one of ordinary skill in the art to combine Rimhagen with Arnold for the purpose of transmitting data in a real time transport protocol between gateways. The motivation is to use a bidirectional protocol translation between traditional telephony TDM voice circuits to an IP transport protocol in a real time.

Allowable Subject Matter

Claims 4, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zewdu Habte whose telephone number is 571-272-3115. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zewdu Habte (Zed)
November 15, 2004



KENNETH VANDERPUYE
PRIMARY EXAMINER